

# Nixon's FBI plot is heard

## 'Resignation' tape played at coverup trial

BY MURIEL DOBBIN

Washington Bureau of The Sun

Washington—White House tapes in which former President Nixon and H.R. Haldeman, then his chief of staff, were heard plotting to block an FBI investigation of the Watergate burglary, were played yesterday for the jury in the coverup trial at United States District Court.

Mr. Nixon resigned a few days after releasing transcripts of the June 23, 1972 tapes, which portrayed him as setting in motion the plan to conceal Nixon campaign links to the burglary at Democratic headquarters six days earlier.

In the course of this Watergate discussion with Mr. Haldeman, the former President agreed when his chief of staff advised him that "the way to handle this" was to have the deputy director of the Central Intelligence Agency call the acting chief of the FBI and say, "Stay the hell out of this."

Mr. Nixon responded, "Play it tough . . . . Say . . . that they should call the FBI in and say that we wish 'or the country, don't go any further into this case, period.'"

### Obstruction of justice

Testimony regarding the events surrounding those Nixon-Haldeman conversations was presented as a cornerstone of the government case by James F. Neal, an assistant prosecutor.

Evidence of White House orders to impede the FBI's Watergate probe by making a scapegoat of the CIA came from Lt. Gen. Vernon A. Walters, deputy director of the intelligence agency and L. Patrick Gray 3d, former acting director of the FBI.

Mr. Neal contended that this interference constituted obstruction of justice—the charge leveled against all five Watergate defendants, who include Mr. Haldeman, John D. Ehr-

lichman, former chief White House domestic adviser, John N. Mitchell, former attorney general, Robert C. Mardian, former assistant attorney general, and Kenneth W. Parkinson, former Nixon campaign lawyer.

"These are the obstructive words," the leader of the prosecution team declared.

According to Mr. Neal, this was the chain of evidence that showed "the clear agency from Haldeman to the former President of the United States to Ehrlichman to Walters to Gray. This is obstruction. They were the very words that obstructed the FBI investigation for two weeks in this case."

General Walters testified that he was summoned to the White House at noon, June 23, 1972—shortly after the discussion between Mr. Nixon and Mr. Haldeman in which the then-President approved using the CIA to head off the FBI inquiry into the Watergate break-in.

### Asked for CIA connection

According to General Walters, Mr. Haldeman said the Watergate bugging case was "making a lot of noise," that the Democrats were trying to "maximize it" and that the investigation was "leading to a lot of important people and might get worse."

The witness said that Mr. Haldeman then asked what the CIA connection was in the Watergate matter. When told by General Walters that none existed, the White House chief of staff said, "It is the President's wish that you go to Gray and express to him that pursuit of this investigation might get into CIA operations."

Present at that meeting, the witness said, were Richard M. Helms, director of the CIA, and defendant Ehrlichman.

General Walters said he did convey a request to Mr. Gray to "taper off" the Watergate "laundered money" investigation in Mexico, although there was no indication that any CIA operations were involved.

The Haldeman request, the witness said, was followed by meetings with John W. Dean

3d, then presidential legal counsel, who proposed that the CIA pay bail and bond for the Watergate burglars.

"I told him, 'No way,'" General Walters said.

The witness said he finally told Mr. Gray he would resign if he were pressured further to link the CIA with the Watergate scandal.

Mr. Gray substantially corroborated General Walters' testimony. The former FBI acting chief—now under investigation by the special prosecutor's office regarding his knowledge of wiretaps on newsmen and presidential personnel—admitted that, under White House pressure, he had "held off" temporarily on the Watergate investigation.

### "Would-be protectors"

The witness told of a conversation with General Walters at which both had agreed that the President should be "protected against his would-be protectors." Mr. Gray added that General Walters had said he was not going to be "kicked

around by these White House kids any more."

Mr. Gray also testified that he had destroyed, at the request of Dean, material taken from the White House safe of E. Howard Hunt, Jr., convicted Watergate burglar. He later lied about his action to Henry E. Petersen, the assistant attorney general then in charge of the Watergate inquiry, but admitted his lie to Mr. Petersen a day later, Mr. Gray added.

The June 23 tapes played yesterday marked the first of 26 additional White House recordings to be introduced into evidence at the trial, which now is in its seventh week.

The importance attached by both prosecution and defense to these tapes was indicated by the efforts of the government to present the material, and those of the defense to prevent presentation.

John J. Wilson, attorney for Mr. Haldeman, won a concession when Judge John J. Sirica agreed to mark as "unintelli-

gible" a comment by the defendant in which he appeared to have prior knowledge of the so-called "Gemstone" political intelligence plan that led to the Watergate burglary.

The tapes have been termed "the heart of Watergate" by Mr. Neal, and defense lawyers have emphasized their concern about the impact such recordings might have on the jury.

The Walters-Gray testimony was followed by that of Joan Hall, former secretary to Charles W. Colson, ex-White House special counsel, now in jail for violating the civil rights of Daniel Ellsberg's psychiatrist. Dr. Ellsberg had leaked the Pentagon papers.

Mrs. Hall testified about a telephone call from Dorothy

Hunt, wife of the Watergate burglar, in August, 1972, in which Mrs. Hunt stressed the White House failure to keep its commitments to the men caught breaking into Democratic headquarters.

The witness said she considered the call "desperate" and a "semi-threat." Colson, she said, refused to receive the information and she transmitted it to Dean, who told her it was "being taken care of."

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# CIA Deputy Accused of Coverup Aid

By JOSEPH VOLZ and JEFFREY ANTEVIL

Washington, Nov. 11 (News Bureau)—Prosecutor James F. Neal charged today that CIA Deputy Director Vernon Walters "was acting as an agent" of former President Nixon, H.R. Haldeman and John D. Ehrlichman when Walters told the FBI on June 23, 1972, to halt its investigation of a critical phase of the Watergate break-in.

Neal said the instructions passed on by Walters to L. Patrick Gray 3d, then acting director of the federal bureau of investigation, were the heart of the Watergate coverup for about two weeks after the June 17, 1972, break-in at Democratic National Headquarters. Haldeman, Ehrlichman and three others are on trial for the coverup. Neal's charge came as the prosecutors reviewed three

crucial tapes of conversations on June 23, six days after the break-in. In the tapes, Nixon and Haldeman discussed a plan to have Walters tell Gray that the FBI probe could expose covert Central Intelligence Agency operations.

Walters, an Army lieutenant general and No. 2 man at the CIA since May 1972, testified today that 90 minutes after the

Nixon-Haldeman meeting Haldeman had summoned him to the White House and told him to have Gray call off an FBI investigation of the laundering of Nixon campaign money through Mexican banks. Walters said the instructions by Haldeman, at a meeting attended by Ehrlichman, had been given despite the fact that CIA chief, then Richard Helms, had told the Nixon aides

there were no covert operations that could be compromised by the FBI activities.

Walters said he had immediately gone to Gray and told him of Haldeman's order. It was not until two weeks later, July 6, that he finally told Gray there were no such covert operations.

Gray, whose nomination as permanent FBI chief was aborted last year because of disclosures about his role in the coverup, also testified about the attempt to block the FBI investigation. He said he had not been offered immunity from prosecution, would not accept immunity if it were offered, and that he still faced possible charges in the coverup.

Gray confessed under defense cross-examination that he had lied to Assistant Attorney General Henry E. Petersen, who was heading the Watergate probe, when he denied that he had received files from Watergate burglar E. Howard Hunt's White House safe. Gray testified, "I said 'B.S., Henry, that's not true.'"

But Gray, a retired Navy captain, said that later that night, "I was warm and hot all over, almost like a woman in menopause, because I had told a lie." As a murmur rippled through the courtroom, Gray said that the

next day he had confessed to Petersen that he had not only received the files but had burned them with his Christmas trash in 1972.

Gray also testified that he had given former White House counsel John W. Dean 3d to raw FBI reports describing "virtually everything that the bureau had found and the direction its probe would take in the weeks ahead."

Nixon published the June 23, 1972, conversations last Aug. 5, admitting that he had concealed them from the prosecutors, the House Judiciary Committee impeachment hearings, and even his own attorneys. That admission, along with the information in the tapes, led to his resignation four days later.

## "Don't Go Any Further"

In the conversations, which were played for the jury today, Nixon and Haldeman discussed the fact that money found on the burglars could be traced back through Mexican banks to the Nixon reelection committee. Nixon then approved Haldeman's proposal "to have Walters call Pay Gray and just say, 'Stay the hell out of this.'"

Referring to Helms and Walters, Nixon told Haldeman: "You call them in. . . . Play it tough."

Later, the President added, "when you get these people in, say: 'Look, the problem is that this thing will open the whole Bay of Pigs thing' . . . And that they should call the FBI in and say that we wish for the country, don't go any further into this case, period!"

At a meeting that afternoon, Haldeman reported to Nixon that Walters and Helms had been summoned to the White House and given their instructions.

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# Trial hears implicating Nixon tapes

By Louise Sweeney  
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The Christian Science Monitor

Washington

Former President Richard M. Nixon's voice rang out on tape at the Watergate cover-up trial Monday admitting that his concern was "political" in covering up the Watergate break-in six days previously, and ordering how to put investigators off that scent.

"I don't want them [FBI investigators] to get any ideas we're doing it because our concern is political," says Mr. Nixon to former White House Chief of Staff H. R. Haldeman, now a defendant in this trial. Mr. Haldeman says, "Right."

The President says, "And at the same time, I wouldn't tell them it is not political." "Right," repeats Mr. Haldeman.

The President then says, "I would just say, 'look, it's because of the Hunt involvement,' just say (unintelligible, with noise) sort of things, the whole cover [he emphasizes the word 'cover'] is basically this...."

The conversation is one of three from June 23, 1972, which were played at the trial Monday as prosecution evidence.

Birdsongs, typewriter clacks, and what sounds on one tape like the ticking of a superspeed metronome are heard along with the voices of Mr. Nixon and Mr. Haldeman.

This is the first public playing of the controversial "resignation tapes" which indicated Mr. Nixon's knowledge of the specifics of the Watergate break-in just days after it happened but nearly a year before he publicly admitted any knowledge of it.

## Transcripts differed

Immediately after the incriminating tapes were released by him under Supreme Court order, Mr. Nixon resigned.

Portions of the tapes marked unintelligible or simply missing in the presidential transcripts submitted at that time are substantially different on hearing and in the prosecution's transcripts issued today. The dialogue about the politics of the Watergate cover-up is an example.

On the tapes the President and Mr. Haldeman are heard in a sequence of three meetings tracing their plan to turn off the FBI investigation of the break-in by insisting that it involved the CIA and would shatter the CIA cover on Mexican involvement and open the involvement of E. Howard Hunt in the Bay of Pigs invasion.

The game plan was to pressure then CIA Deputy Director General Vernon A. Walters into leaning on Acting FBI Director L. Patrick Gray III to end the FBI's investigation.

But Mr. Walters testified Monday he resisted that plan, even after meeting with Mr. Haldeman and defendant John D. Ehrlichman, then domestic affairs chief, as well as a series of increasingly pressuring meetings with the presidential counsel John W. Dean III following the June 23 taped discussion.

Mr. Walters testified he finally

refused to have the CIA accept the responsibility for bail and salaries for the Watergate burglars because the CIA is "apolitical," it would "involve the agency where it is not involved" and "it would not serve the President."

Mr. Walters is expected to be recalled for cross-examination next week.

## Mistrial denied

Before the tapes were played, U.S. District Judge John J. Sirica also read a statement denying defendant John N. Mitchell's motion for a mistrial.

He also denied defendant Kenneth W. Parkinson's motion for severance on the basis of the appearance of a bomb-shell blackmail memo to Mr. Parkinson from Watergate conspirator E. Howard Hunt, dated a week after the 1972 presidential election.

# Jury Hears Tape of Nixon Ordering Limit on Inquiry

By LESLEY OELSNER  
Special to The New York Times

WASHINGTON, Nov. 11—Parts of the three White House tape recordings that led to Richard M. Nixon's resignation from the Presidency were played today to the jury in the Watergate cover-up trial.

Out of the presence of the jury but in open court, the chief prosecutor, James F. Neal, said that the tapes and the other evidence today proved "a direct agency" in which Mr. Nixon's "agents" obstructed justice at Mr. Nixon's order.

The tapes, made public last Aug. 5, contain Mr. Nixon's conversations with H.R. Haldeman, then his chief of staff and now one of the five defendants in the trial, on June 23, 1972, six days after the break-in at Democratic headquarters in the Watergate complex.

## Tapes Often Faint

They show Mr. Nixon telling Mr. Haldeman to direct officials of the Central Intelligence Agency to tell the head of the Federal Bureau of Investigation to limit its inquiry into the break-in. They show that Mr. Nixon wanted the curtailment for political reasons rather than concern over national security.

The tapes, often faint and sometimes difficult to hear, were played in conjunction with testimony by Lieut. Gen. Vernon A. Walters, Deputy Director of Central Intelligence, and Patrick Gray 3d, then acting head of the F. B. I.

General Walters testified about getting the directive from Mr. Haldeman, in the presence of John D. Ehrlichman, then the chief White House adviser on domestic matters and now another of the defendants, and passing it on to Mr. Gray; Mr. Gray told of receiving it.

When a defense lawyer objected to the prosecution's line of questioning, Mr. Neal replied: "There's no other way you can show the agency—from the former President of the United States to Haldeman and Ehrlichman to Walters to Gray—and that is the obstruction of justice."

"It's the act itself," he added. Mr. Neal then repeated his point: "We have a direct agency from the President to Haldeman to Ehrlichman—to Halde-

man and Ehrlichman—to Walters to Gray."

After a recess, the questioning was allowed to proceed the way Mr. Neal wished.

## The Ford Pardon

Mr. Nixon, who was named an unindicted alleged co-conspirator in the case last March, was pardoned by President Ford on Sept. 8 for any Federal crimes he may have committed while in office. The former President has been subpoenaed by the prosecution and defense but whether he testifies depends on his health.

The other defendants in the case are John N. Mitchell, the former Attorney General and director of the Nixon re-election campaign; Robert C. Mariani, a former Assistant Attorney General and political coordinator for the re-election committee, and Kenneth Wells Parkinson, an attorney hired by the committee after the break-in.

Mr. Haldeman and Mr. Ehrlichman have made clear that they will attempt to shift the blame for Watergate to Mr. Nixon. Mr. Ehrlichman's chief lawyer, William S. Frates, told the jury in his opening statement that Mr. Nixon "deceived" and "misled" Mr. Ehrlichman.

The testimony by General Walters and Mr. Gray, like the tapes, was largely a repetition of what came out in the Senate Watergate hearings and the impeachment proceedings.

The story, as presented today, began at 9:30 A.M. on June 21, 1972, when Mr. Ehrlichman spoke to Mr. Gray on the telephone.

Mr. Ehrlichman, according to Mr. Gray, said that John W. Dean 3d, then a White House counsel who is now in a Federal prison, was going to conduct a Watergate inquiry for the White House. Mr. Gray, according to the testimony, was to deal directly with Mr. Dean, who was expecting a call from him.

Mr. Gray told the jury that he called Mr. Dean, who requested a meeting, held at 11:30 that morning. Mr. Dean, according to Mr. Gray, said that the Watergate affair was "extremely sensitive" and that he would sit in on F.B.I. interviews with White House staffmen.

Mr. Gray said he had told

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Mr. Dean at a later meeting of the various "theories" the F.B.I. was considering, including one that the C.I.A. might be involved.

## C.I.A. Involvement

The C.I.A. theory, according to Mr. Gray, was considered because of the C.I.A. involvement of some of the Watergate burglars and because the C.I.A. was known to have complex financial arrangements.

What happened in the next few days, according to the testimony, was an attempt to keep the authorities from connecting the break-in with the Nixon re-election committee.

On June 23, Mr. Nixon and Mr. Haldeman met in the Oval Office. The tape of that meeting, particularly difficult to hear, shows Mr. Haldeman talking to Mr. Nixon. He says:

"The way to handle this now is for us to have Walters call Pat Gray and just say, 'Stay the hell out of this. This is, ah, business here we don't want you to go any further on it.'"

Then came the sequence that has caused much controversy at the trial. Mr. Haldeman says a word that the prosecution contends is "Gemstone," the name of the illegal intelligence-gathering operation that led to the break-in, and that Mr. Haldeman's lawyers contend is something like "convention" or "dovestome."

At the Haldeman lawyers' behest, the jury was given a transcript bearing the notation "unintelligible" instead of Gemstone.

The transcript Mr. Nixon released in August contains nothing.

The prosecutors then put on a second tape of a Haldeman-Nixon conversation an hour and a half later.

## A Slight Delay

There was a slight delay when Judge John J. Sirica noticed that one of the jurors, Mrs. Marjorie Milbourne, did not have her earphones on.

"You have to listen," he told her.

She put the earset back on. In this conversation, Mr. Nixon was more specific about the directive to be given to the C.I.A. officials.

Mr. Haldeman, Mr. Nixon said, should tell the C.I.A. officials "this is all involved in the Cuban thing, that it's a fiasco, and it's going to make the F.B.I. and C.I.A. look bad, and it's likely to blow the whole uh, Bay of Pigs thing which we think would be very unfortunate for the C.I.A. and for the country at this time, and for American foreign policy, and he just better tough it and lay it on them. Isn't that what you

Walters inform Mr. Gray that continued investigation of campaign contribution checks might lead to C.I.A. assets and undercover operations in Mexico.

Then, as both Mr. Gray and General Walters testified, the Deputy Director of the C.I.A. went to the acting head of the F.B.I.

## Gray-Walters Meeting

At a meeting between Mr. Gray and General Walters on July 6, according to testimony, General Walters turned over a written statement saying that the C.I.A. had no interest. The two men, apparently assuming that Mr. Nixon was unaware of

the pressure from White House officials, agreed that Mr. Nixon should be told, and Mr. Gray ordered his inquiry into the checks to be resumed, according to the testimony.

At the Senate Watergate hearings, Mr. Gray said that he had warned Mr. Nixon on July 6, "People on your staff are trying to mortally wound you by using the C.I.A. and the F.B.I."

monly today. At a bench conference, Mr. Neal said that he was about to question Mr. Gray about the statement Mr. Frates objected. It was agreed that the question would not be asked.

On direct examination, under questioning by Mr. Neal, Mr. Gray repeated his earlier testimony about destroying documents at the behest of Mr. Dean and with the apparent acquiescence of Mr. Ehrlichman.

On cross-examination, Mr. Frates sought to limit the effect of that testimony, getting Mr. Gray to concede that Mr. Ehrlichman had not been the one to tell Mr. Gray to halt the Watergate investigation.

Mr. Neal on redirect then sought to limit the effect of this concession.

Who had told Mr. Gray to limit the inquiry? The prosecutor asked.

Mr. Dean, the witness replied. Who had told him to talk to Mr. Dean about Watergate?

Mr. Ehrlichman, he replied. Thomas C. Green, William G. Hundley and Frank Strickler, all defense counsels, cross-examined Mr. Gray briefly.

Hundley asked whether Mr. Gray had

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# 3 Tapes Link Nixon To Early Cover-Up

By Barry Kalb  
Star-News Staff Writer

The Watergate special prosecutors have presented evidence that former President Richard M. Nixon was involved in the early stages of the Watergate cover-up — three tapes, and an interpretation of their substance.

The conversations of June 23, 1972 were not new — transcripts were released by the White House four days before Nixon resigned — although the prosecutor's transcripts did provide some nuances missing from Nixon's own version.

The transcripts also show clearly that Nixon was weighing when he sent H. R. Haldeman to have the CIA interfere with the FBI's Watergate investigation, the potential political ramifications of the Watergate affair.

"I don't want them (CIA officials) to get any ideas we're doing it because our concern is political," Nixon told Haldeman in tones that made clear his concern was precisely that.

**THE PROSECUTORS'** interpretation of these taped conversations and the circumstances surrounding them, was delivered with the jury out of the room by Associate Special Prosecutor James F. Neal.

Neal first noted the chain of events that day: Nixon tells Haldeman to have the CIA interfere with the FBI's investigation; Haldeman, with Nixon aide John D. Ehrlichman present, passes the message to CIA Director Richard Helms and Deputy Director Vernon A. Walters; Walters meets with Acting FBI Director L. Patrick Gray III; Gray puts a temporary hold on an important aspect of the FBI's investigation.

Referring to the Walters-Gray meeting, Neal said, "These are the obstructive words, this is the obstruction now . . . 'You're to taper off this investigation, you've got your five suspects, if you keep on going you're going to uncover a CIA operation.'"

Neal said that events have since proved that there was no CIA operation in danger of being uncovered, and that Walters was acting — Neal indicated it was unwittingly — as Nixon's own agent in the chain of events.

"Walters had a clear

agency from the former President of the United States . . . Nixon to Haldeman to Walters to Gray," which is the message Neal said. "This is the act itself."

**THE TAPES** begin with a meeting starting 10:04 a.m. that day, between Nixon and Haldeman. Haldeman reported on the progress of the FBI's investigation into the Watergate break-in six days earlier, and told him, "We're back to the — in the, the problem area because the FBI is not under control, because Gray doesn't exactly know how to control them, and . . . their investigation is now leading into some productive areas . . . it goes in some directions we don't want it to go."

Haldeman then went on to provide details about a situation on which Nixon clearly already had some information by June 23—a total of five checks which were traced both to Nixon's fund-raising committee and to the bank account of one of the Watergate burglars, Bernard L. Barker.

One check was for \$25,000, collected by Nixon's Midwest fund-raiser, Kenneth H. Dahlberg, from industrialist Dwayne O. Andreas. The other four, totaling \$89,000, were what was left of \$100,000 in cash contributions by Texas donors which was "laundered" through a Mexican bank and then sent to the Nixon committee.

The Mexican checks were cashed by a banker there, Manuel Ogarrio, and Gray was about to have his agents interview both Ogarrio and Dahlberg. At a meeting on June 22, Gray testified yesterday, he explained this to then-White House Counsel John W. Dean III.

Nowhere during the first June 23 conversation did Nixon and Haldeman specifically say they would have Walters tell Gray the FBI's investigation might jeopardize cover operations in Mexico. Haldeman at one point told Nixon, in an apparent reference to Walters, "Ah, he'll call him (Gray) in and say, 'We've got the signal from across the river (the White House) to, to put the hold on this.' And that will fit rather well because the FBI agents who are working the case, at this point, feel that's what it is — this (the Watergate bugging) is CIA."

**NIXON LATER** told Haldeman: "When you get in these people . . . when you get these people in, say, 'Look, the whole problem is that this will open the whole Bay of Pigs thing, and the president just feels that, don't, don't lie to them to the extent to say there is no involvement, but just say this is sort of a comedy of errors, bizarre, without getting into it — the President believes that it is going to open the whole Bay of Pigs thing up again' . . . They should call the FBI in and say that we wish for the country, don't go any further into this case, period."

A meeting among Walters, Helms, Haldeman and Ehrlichman was arranged for 1:30 p.m. that day. In a discussion with Nixon minutes before the meeting, Haldeman again went over what he would say, and Nixon said, "I don't want them to get any ideas we're doing it because our concern is political."

"At the same time," Nixon added, "I wouldn't tell them it is not political . . . I would just say, 'Look, it's because of the Hunt involvement, Nixon at this point knew, the tapes indicate, that E. Howard Hunt Jr. and other

CIA." Walters said Helms told Haldeman he had spoken with Gray the day before, "and had told him that the agency was not involved."

However, Walters said, Haldeman persisted: "Nevertheless, it has been decided that Gen. Walters will go" to Gray with the message. Ehrlichman's only part in the conversation, Walters said, was to offer Walters the use of a White House telephone.

Walters said he called Gray and arranged to meet him at 2:30 p.m. They met at Gray's office, Walters said, and Walters said he had just come from the White House and he was ordered to tell Gray that the FBI "could uncover some covert CIA assets or activities (in Mexico)."

**AT VIRTUALLY** the same time Gray and Walters were meeting at FBI headquarters, Haldeman and Nixon were again meeting, this time in Nixon's Executive Office Building office.

Haldeman opened his report on his meeting with Helms and Walters by saying, "Well, it's no problem . . ."

Haldeman can be made out saying, ". . . So at that point Helms's kind of got the picture . . . He, he said, 'We'll be very happy to be helpful to, ah, you know, and we'll handle everything you want. I would like to know the reason for being helpful.' And it may have appeared when he wasn't gonna get it explicitly but was gonna get it through generality. So he said fine, and uh, Walters. . . . Walters is gonna make a call to Gray."

Gray testified that after the meeting with Walters, he

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